



08-18-01

RCE 1724#

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/177,902
Filing Date	10/23/98
First Named Inventor	Holman
Group Art Unit	1724
Examiner Name	Holman
Attorney Docket Number	E-1658

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (Preliminary)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-1275
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 08/14/2001 AMENDAFI 00000000 021275 09177500
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC273 333.00 US
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Stephen R. May	Registration No. (Attorney/Agent)	29,255
Signature	<i>Stephen R. May</i>	Date	Aug 9, 2001

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Janice K. Laybourn	Date	August 9, 2001
Signature	<i>Janice K. Laybourn</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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TW  
8-15-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Homan, et al.

Serial No: 09/177,902

Filed: 10/23/98

For: METHOD AND APPARATUS FOR  
PACKED COLUMN SEPARATIONS  
AND PURIFICATIONS) Art Unit: 1724  
)  
) Examiner: Ivars C. Cintins  
)  
) Paper No: 10  
)  
) File No: E-1658  
)  
) Date: August 9, 2001  
)

## PRELIMINARY AMENDMENT

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Final Office Action dated 04/09/01, the Applicant sets forth the following preliminary amendments and remarks toward reconsideration for allowance of the above-referenced application.

REMARKS

In his final rejection of the pending application, the Examiner has persisted in arguing that Rigby (USP 2,797,150) discloses a valve member having a binary end. Previously, in his response to the Examiner's office action of 10/23/00, the Applicant had conceded this point. The Applicant hereby rescinds that concession. In fact, Rigby does NOT disclose a valve having a "binary" end as that term is used by the Applicant in the now pending claims, and as defined by the Applicant in the specification. The Examiner's attention is drawn to the sentence bridging pages 12 and 13 wherein the Applicant states:

By "binary" we mean that the rod end has an asymmetric feature with respect to a rotation about its longitudinal axis such that a restriction gap is

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